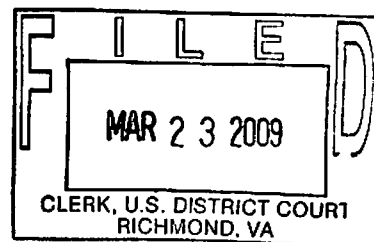


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



SHERMAN L. SHELTON, JR.,

Petitioner,

v.

Civil Action No. **3:08cv270**

**DIRECTOR OF DEPARTMENT
OF CORRECTIONS,**

Respondent.

ORDER

In accordance with the accompanying Memorandum Opinion, it is hereby ORDERED
that:

1. Petitioner's claims are DISMISSED;
2. Respondent's motion to dismiss (Docket No. 5) is GRANTED;
3. The petition for a writ of habeas corpus under 28 U.S.C. § 2254 is DENIED; and,
4. The action is DISMISSED.

Petitioner may appeal the decision of the Court. Should he wish to do so, written notice of appeal must be filed with the Clerk of Court within thirty (30) days of the date of entry hereof. Failure to file a written notice of appeal may result in the loss of the right to appeal.

The Clerk of the Court is DIRECTED to send a copy of the accompanying Memorandum Opinion and this Order to Petitioner and counsel of record for Respondent.

It is SO ORDERED.

Date: 3-23-09
Richmond, Virginia

/s/
James R. Spencer
Chief United States District Judge